

**BOARD OF SELECTMEN
MEETING MINUTES
February 10, 2003**

PRESENT: BRIAN MCDONALD, CHAIRMAN; DOUGLAS R. COOK, CO CHAIRMAN; JONATHAN M. WALLACE, SELECTMAN; THOMAS C. REYNOLDS JR., SELECTMAN; DAVID BOUGHER, SELECTMAN.

GUEST: Betty Straw, Gene Bilodeau, Steven Brunell, Neal Kurk, Helene Kurk, Douglas Smith, Mark A. White, Valerie S. Eaton-White, G. Williams, Myles Rigney

The Selectmen's Meeting was held at the Town Office Building. Chairman McDonald commenced the meeting at 6:45 p.m.

Chairman McDonald asked that everyone stand for the pledge of allegiance.

1. PUBLIC PARTICIPATION

Gene Bilodeau - Mr. Bilodeau came to speak to the board regarding a rumor he had heard that the board was considering putting a stop to the training program at the Town Hall due to damage reportedly being done to the floor. Mr. Bilodeau requested the board reconsider. Stated that there is about 20 seniors, including himself that participate in the program and that he is not sure the damage to the floor is due to the weights. Mr. Bilodeau further stated that he feels very strongly about the program and the health benefits associated with it. Requested that rather than stopping the program, the board come up some other solution. Chairman McDonald stated that was fully the boards intentions. Chairman McDonald stated that on three different occasions the janitor complained about the damage that has taken place to the floor, and that there is some sort of storage shelf that is in the way of other groups. Mr. Bilodeau said if that is the case then, just let them know and they will move the storage unit, which is a footlocker containing the weights with casters on it. Chairman McDonald reiterated that it is the damage to the floor, which was put in two years ago that is the concern, and he is open to discussion to resolve the problem. Mr. Bilodeau requested that one or all of the Selectmen take a look at the floor before they make a decision. Also said that he does not want to stop the exercises, and that they rely on it and participate twice a week. When asked when this takes place, Mr. Bilodeau replied, Tuesday and Thursday mornings from 8:30-9:30 a.m. Selectman Cook stated that the only thing they wanted to address was the potential damage to the floor, and that it may be a matter of suspending the weight use for the time being, or maybe just

a matter of putting mats down on the floor would be fine. Mr. Bilodeau once again requested that the program not be stopped because of a complaint regarding the floor. Mr. Bilodeau requested that the floor be inspected, and stated that he does not feel that the floor is being cared for properly. Also stated that the weights being used are mostly three, four, and five pound weights, and feels that if there are going to be fourteen or fifteen participants that mats may be the solution.

Chairman McDonald stated there is also concern that this program is a for-profit venture. Mr. Mark White responded it was absolutely not. Chairman McDonald then asked if there was a fee involved because the town is not charging for the use of the space. Ms. Valerie Eaton-White responded that they are being charged according to Tufts, and New Hampshire Celebrates Wellness states they can charge up to \$5.00 per person and they are currently charging \$2.50 to help cover cost of weights or any mats needed. Further stated that money collected goes into a kitty to continue to provide for the program. Selectman Cook stated that the way he understood it was that if money was charged for the use of the Town Hall, that would increase the cost to the members.

Valerie S. Eaton-White - Ms. Eaton-White stated that she has an issue with the fact that they have been using the Town Hall for two years, since the floor went down, and all of a sudden there is the issue with the weights. Stated that they find all kinds of things wrong with the building, and have called regarding this and been told that the doors were left open again. Also stated that tables are left out and that the old tables being moved around are what caused the damage. Ms. Eaton-White said that if the board suspends the weight use, than that suspends the program. Mr. Bilodeau stated that maybe heavier weights can be kept in a certain area and the use of mats should take care of the situation. Chairman McDonald apologized for the fact that the board has not had the time to inspect the floor in person. Also, that the report came from the person maintaining the facility and the last comment regarding the floor was adamant about the fact that something has to be done. Chairman McDonald further stated at that point the only decision that could be made was to stop and have a conversation with those in charge of the program. Ms. Eaton-White stated that she has an issue with the maintenance person because just recently he started to come in after they use the facility and does not check after other groups. Also stated that when they enter, there has been sticky substances on the floor along with sand and grit. Selectman Wallace stated that the issue is that the floor is new, and whether the damage is being done by the seniors or someone else, the board needs to decide whether the answer is to put money in the budget to refinish the floor every two years or to curtail the use. Also stated that it was the opinion of maintenance to curtail use in the winter, and although that is not the only solution, it is one solution. Mr. Bilodeau said that preventative maintenance is probably the answer. Also stated that his group sweeps the floor after every use, but town maintenance of washing and waxing would be helpful. Selectman Wallace stated that grates on the floor similar to the ones in the

school would probably make a big difference. Selectman Bougher then asked the board if it is agreed that the program be allowed to proceed to following day. All said yes, until such time they can go over and inspect the damage and with the agreement there would be protective mats used.

Mark A White – Mr. White stated that a lot of the participants were there before the renovations were done and that all the participants are very careful with what they do there. Also stated that a couple of weeks ago when he entered, the condition of facility was terrible, and that it is being used constantly. Stated he felt that his group was being singled out. Then asked the board if the board spoke to other groups regarding the floor. Selectman Wallace stated that when he spoke with the maintenance person that Mr. White's group was not mentioned, it was just mentioned that being winter time, sand and salt were being tracked and causing a problem with the floor. Mr. White asked if the solution is to have an empty building for four months, and if it that's the case, then what good is the building? Stated that there is very little in this town to begin with and he feels they are doing something good here. Selectman Cook stated that no one is disputing the good of the program and he feels Mr. White is taking a defensive posture, and making more of the issue than what it actually is. Also stated that the reason why his group was here tonight is because the maintenance person stated that the weights were damaging the floor. Selectman Cook further stated that he has confidence that Mr. Bilodeau look out for that, and that we can try to put something in place that will alleviate the situation whether it is mats or you are just more careful. Mr. White stated that he has mats at home that they can use. Selectman Cook concluded by stating that sending someone over when a group is leaving to check the condition of the facility is in order.

Betty Straw – Ms. Straw stated that she is part of the weight group and that she finds it very beneficial. Also stated that she was upset when she heard the news that it may be canceled. Ms. Straw said that if you do not go regularly then you lose out and it hurts more to start up again. Stated that she was very glad to hear Selectman Wallace say that they would look into some sort of maintenance for the floor. Also stated she looked over the entire floor and could see no evidence where the weights have damaged the floor, although she did see a mark that appeared to be made by one of the old tables being dragged across the floor. Ms. Straw further went on to state that she feels that the floors should be cared for properly and that they worked very hard to obtain that space and they need it desperately. Stated as far as she is concerned she is willing to have her tax dollars spent on maintaining the floor.

Helene Kurk – Mrs. Kurk started by greeting Chairman and Board. Stated she was not aware that the Selectmen's meeting and the microphone are a format for venting personal issues. Said that someone in town gave her a video of the last meeting and

she listened to a member of the Board of Selectmen acting as a private citizen, publicly criticizing her family and herself. Said that this was done without a member of her family being notified or present. Mrs. Kurk stated she would like to take this opportunity to comment. Stated she has no idea what has caused the member to dislike her family and some of her neighbors, they are all good citizens of the town and of New Hampshire. Went on to state that although they may not always agree with him or the Board of Selectmen, this does not make them deviant citizens. She asked, please remember that the Board of Selectmen work for the citizens of Weare, and not the other way around. Since that member has brought up the issue of my daughter and her voting rights, I would like to address that. Mrs. Kurk stated that her daughter has been a resident of Weare since she was two years old, this is her home and will remain so until she chooses otherwise. Also went on to state that with the great knowledge of the law that this member has, and the way to prevent someone from voting illegally, this member has neglected to do his homework. The Moderator has no authority to deny anyone on the checklist the right to vote, or to remove anyone from the checklist. Only the supervisors of the checklist have the power to do that. This member had plenty of time in his public efforts to understand the law and get it right. Mrs. Kurk continues by asking if the member has another motive than to remove a person from the voting list. States that this member was presumptuous in his statement that her husband sent her in to attend to this issue. Stated she reminded him at that time that the daughter in question is also hers, not just her husbands. Stated that the member also stated that he has an issue with the road in which she lives and that he may not think it is scenic, but town's people do. Said that they decided that decades ago when the declared it a scenic road as allowed by state law. Mrs. Kurk went on to state that scenic is in the eye of the beholder, however for this member to belittle other's values and attack their motives and integrity is wrong. Stated yes, she does own property, and it is on a historic district, last year the residents on our road told the planning board that if the historic overly district article passed then they would make some changes to accommodate another family. This year her husband went to the planning board, got their input and with their help and guidance, a petition was submitted proposing their recommended changes in article 18 and the town warrant. Further stated that despite this members opposition to it, the article has the approval of the planning board. Went on to state that these changes hardly affect her since if it passes, she still has many acres and many feet of road frontage that are bound by the original article. Mrs. Kurk again asks if the member in question has any other motives by asserting that the article was put in for her family's benefit. Mrs. Kurk then stated she would like to comment on the interim growth management article, the one the Board of Selectmen took to court. Stated that it was not a petition she signed, but it was her understanding that the first time the petitioners were aware that such an article had to come from the Planning Board was at the public hearing on the article, long after it was submitted. No one was

embarrassed because they were caught as this member stated. Mrs. Kurk then asks what in the world would anyone be embarrassed about- the fact that they had feelings about our town? What did they get caught at- expressing their opinion? Mrs. Kurk once again asks if this member had any other motive than doing his civic duty in opposing this petition. Mrs. Kurk then concludes by thanking said member for the good things he has done for the town, and to state that she has no other motives but to correct the inaccuracies the member has put into the record.

Jonathan M. Wallace, Selectman – Selectman Wallace got up to state he was the board member Mrs. Kurk was referring to and that he does not have any motives nor is he out to attack anyone that does not agree with him. Selectman Wallace went on to state that the things that he has presented are facts. He presented these facts to the Moderator who, according to RSA 65951 has the authority to restrict an absentee ballot from counting on the vote if someone challenges that individual. Selectman Wallace then stated that a lot of people think that he has a problem with public relations, but in his 13 years of government he does what he believes is the right thing to do, and does not bow to people that want him to act in a certain manner. He believes government should be run according to state law, and believes that every person on the board has a moral obligation to make sure that they do their jobs to the best of their ability. He believes that Mrs. Kurk's husband, Representative Kurk, has a moral obligation to use his position in the state, and his position as Town Moderator morally, and hold himself morally accountable. Selectman Wallace concluded by reiterating the point that everything he presented regarding Mr. and Mrs. Kurk had been facts, all which are public knowledge, and available upon request.

Helene Kurk – Mrs. Kurk stated that perhaps Selectman Wallace does not have all the facts or they are not all correct. Mrs. Kurk also stated that Selectman Wallace might well be taking actions in the town's best interest as he had stated, however, it seems that the town's best interest always comes at the expense of the people who have different positions on the issues or have challenged him in some way. Mrs. Kurk went on to state that one has to wonder what Selectman Wallace's true motivations are. To this Selectman Wallace questioned Mrs. Kurk as to whom she was speaking of, and also if she was insinuating that he was attacking people who oppose him. Mrs. Kurk replied that Selectman Wallace has made it a point to go after particular people, which in her opinion have been unjustified. Selectman Wallace then questioned Mrs. Kurk of whom she was speaking of, and her reply was both herself and her husband. Selectman Wallace stated that he has not gone after her in an unjustified way, and that all he did was challenge her daughter's absentee ballot. Selectman Wallace again said that he was only stating facts. Mrs. Kurk then stated that Selectman Wallace accused the drafters of the petition of being embarrassed because they were caught at doing something wrong. Selectman Wallace then agreed that in his opinion they were.

Mrs. Kurk then questioned what they had done wrong and Selectman Wallace's reply was that he believed that if the petitioners had disclosed the fact that the petition was illegal and had no basis that people would not have signed it. Mrs. Kurk then responded by restating that at the time it was prepared as far as anyone knew, had legal basis. Selectman Wallace then stated that Mr. Kurk has a high position with the state and he believed at one time was a lawyer, and Selectman Wallace's expectations are that someone of Mr. Kurk's stature would make sure that a petition that he drafted was legal. Selectman Wallace concluded by stating that there were state laws attached to the illegal petition and he feels that it is a cause of embarrassment.

Neal Kurk – Mr. Kurk began by greeting the Board of Selectmen and stated his intentions had nothing to do with the ongoing debate. Mr. Kurk stated that the issue he would like the board to consider had to do with the board putting in recommendations with respect to warrant articles. Mr. Kurk stated that he believes the Board of Selectmen have an obligation to put in recommendations in regards to certain warrant articles, specifically those dealing with money. Mr. Kurk went on to state that he was not sure the board is allowed to make recommendations with respect to non-money articles. Mr. Kurk requested the board consult with their attorney on this matter. When asked if there were any particular articles Mr. Kurk was referring to, Mr. Kurk's replied he was not exactly sure offhand, but he believes 45,46,47,52, and 53.

2. SAFETY COMPLEX

Board met with Mr. Steven Burnell and Mr. Jim Donison. Mr. Burnell presented the board with one of three sets of plans, the others to go to Fire Chief and Police Chief. Stated they are ready to do whatever needs to be done to get a contract together and get the complex going. Mr. Burnell offered three options regarding construction of the complex; general bid, invitational bid, construction management. Mr. Burnell suggested that going with a construction manager may be the best way. With construction manager a maximum price is decided upon and then guaranteed. Construction manager bids out every major sub contract and chooses the lowest price available and, in the end, it is hopeful that it will fall below maximum bid cost. Construction manager works for a fixed fee. Selectman Cook stated that it could always be open to bid if they so decide in the future. Chairman McDonald expressed desire to proceed aggressively on this matter and stated his concern regarding money articles related to the safety complex put before the voters in March. Mr. Burnell stated there is a local contractor interested in making a proposal and it is decided that the Board will meet with said contractor at the February 24th. meeting. Chairman McDonald also made a point of stating that monthly updates will be in order to keep everyone up to speed and keep the community informed.

3. NONPUBLIC SESSION

Chairman McDonald made a motion that the Board of Selectmen enter into Nonpublic Session at 7:20 p.m. pursuant to RSA 91-A:3 II (c) involving a discussion with Ms. Donna Meuse regarding welfare issues. Seconded by Selectman Reynolds. A roll call vote was taken. Selectman Bougher – yes; Selectman Reynolds – yes; Chairman McDonald – yes; Selectman Wallace – yes; Co Chairman Cook – yes. Motion passed unanimously.

In Attendance: Chairman McDonald, Co Chairman Cook, Selectman Wallace, Selectman Bougher, Selectman Reynolds, Ms. Donna Meuse.

Selectman Bougher moved that the Board of Selectmen come out of Nonpublic Session at 7:35 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) and to seal and restrict the minutes of the Nonpublic Session pursuant to the authority granted in RSA 91-A:3 III. Seconded by Selectman Reynolds. A roll call vote was taken. Selectman Bougher – yes; Selectman Reynolds – yes; Chairman McDonald – yes; Selectman Wallace – yes; Co Chairman Cook – yes. Motion passed unanimously.

4. OLD BUSINESS

Selectman Bougher begins old business with an apology to Selectman Cook regarding the issue absentee ballots. If you are going to be out of town on business you have the legal right to ask for an absentee ballot. Selectman Cook took a moment to remind voters of the option of an absentee ballot and to take advantage of it although it needs to be done a week or two prior to voting on March 11th.

Selectman Reynolds discussed a request on a right to know offer requesting invoices to back up the vouchers sent. Selectman Cook stated that the issue is in the hand of the town attorney. Selectman Wallace pointed out that complying with right to know only provides access to the information, and not physically providing the particular items in question.

Selectman Reynolds then discussed the board's recommendations for Article 51 and 52. Selectman Reynolds made a motion to recommend Article 51 with new \$75,000 figure. Motion was seconded by Chairman McDonald. A vote was taken. Motion passed with four in favor and one opposed (Selectman Cook).

Selectman Reynolds discussed Article 52 which involves drawing \$100,000 from General Fund balance for the Conservation Fund. Selectman Reynolds stated that the

amount has changed and his opinion has also changed. Selectman Reynolds made a motion to recommend Article 52. Seconded by Selectman Bougher. A vote was taken. Motion failed with two in favor and three opposed (Chairman McDonald), (Selectman Wallace), and (Selectman Cook).

Selectman Cook discussed the default budget. Selectman Cook stated default budget needs to be adjusted from what was printed on the warrant to include \$10,000 for raises. Default budget changes from \$3,054,473 to \$3,064,473.

Selectman Reynolds then informed the board that Ms. Donna Matheson is looking into election seminars for those who are interested.

Selectman Cook stated that the only item for old business he would like to address is implementation of newspaper rebuttal. Selectman Cook referenced a Union Leader article suggesting that the Board of Selectmen try to silence journalists. Selectman Cook then stated that he believed the board is not trying to silence, but hold journalists accountable for what they write. Also states he does not know why they do not attend the meetings. Sitting at home or relying on minutes may not be accurate, and does not give them a chance to ask questions or clarify issues. Chairman McDonald joined conversation to point out that the same Union Leader that is now accusing them of silencing the press went to court to keep the Hippo Free Press out of circulation in the Verizon Center. Selectman Cook then informed the board members that he received a call from Mr. Jim Marcou, Chairman of the Dunbarton Planning Board, commending the Board of Selectmen for the stance they are taking against the newspaper because they are dealing with similar situations. Also, assured Selectman Cook they have the backing of not only the Planning Board but the Zoning Board and Board of Selectmen and extended an invitation to get together to discuss various issues.

Chairman McDonald then stated he wanted to read into the record an editorial from the Union Leader which starts off with – Talk about sensationalist headline overreaction. Taken from Union Leader, Monday, February 10th. To the editor, wow, talk about sensationalist overreaction in form of a headline. Your February 7th. editorial, intimidation in Weare Selectmen try to silence journalists, would lead a reader to think that the Weare Selectmen were barring reporters from meetings or making physical threats to local reporters, something that curtails a newspaper's first amendment protection. But then I read further and discover this wasn't the case at all, simply a matter of the Selectmen making reporter accountable for their work. Yes the press serves a very important function in that it becomes the eyes and ears of the citizens at large. However, third state is not a protected class, they are just as open to criticism when they go out as any other public figure. If you can't stand the heat stay

out of the fire. Written from a resident in Goffstown. Chairman McDonald said thank you to that resident.

Chairman McDonald then referred to the article on the cover of the Weare Free Press stating that it was a misstatement that the board attempted to keep the growth Article in question from being placed on the warrant, which is not true. Chairman McDonald went on to discuss page 12 in which the mention of him losing his temper he found to be very unprofessional and irresponsible in the fact that only a small, negative portion of the discussion was printed, rather than any of the forty-five minutes prior to Chairman McDonald losing his temper. Chairman McDonald also stated that the paper always mentions the football program at John Stark High School, but failed to mention the two or three corporate sponsors that donated enough to receive their patches on the uniforms. Also, no mention of the Volunteer Day over the summer in which the Selectmen donated time and money for the summer picnic. Never any mention of the good that is done, only the negative is reported. Chairman McDonald went on to add that he feels it is clearly an unprofessional attempt to criticize, and the paper does not have the professional integrity to come and ask the board in front of the cameras for the facts where the public can hear their responses. Selectman Wallace then commented on the comments in the paper which read - Reading from notes supplied by one of the Selectmen's stable of spies, Mr. Wallace read the charges of heresy. Selectman Wallace then addressed the comments by stating the spy the paper referred to had requested and received permission to quote. Chairman McDonald stated that after twenty three months he has reached his boiling point. Feels board is ridiculed if they are too nice, and then ridiculed if they are too aggressive. Chairman McDonald went on to state he will not respond to anything the paper asks of him. The paper will have to come to the board on camera to ask any questions regarding town business so the public can see his full response. Selectman Bougher then added there was no mention anywhere, in any of the papers how the Highway Department and the Fire Department received bonuses for having to go out and work on Christmas Day. Selectman Wallace then added only the bad gets reported on, never the good. Selectman Reynolds added that by badgering members of boards and committees you are discouraging people from running for such positions.

5. NEW BUSINESS

Selectman Wallace discussed the request from the Piscataquog Watershed Association to receive tax map data on disk. The board all agreed to this request.

Selectman Wallace then discussed the request by Denise Hawkes for her daughter to take the soda cans from the building to recycle for a school project. Board decided that question should be directed to the Police Department or Ms. Donna Matheson to make a decision.

Selectman Wallace made motion to hire Jim Bobo as custodian on temporary basis until such time the position is permanently filled. Motion is seconded by Selectman Bougher. A vote was taken. Motion passed unanimously.

Selectman Cook informed the board of a request from the Chairman of the Planning Board to contact legal counsel regarding upcoming High Rock Road Development applicant. Selectman Cook informed board that Planning Board wanted original applicant to create a road out to River Road due to a series of internal roads going nowhere. This was made a stipulation to the applicant. Applicant then built a house where the road would have gone. Development now up before the Planning Board under a new name. Selectman Cook stated that this warrants the guidance and help of town attorney, and suggested speaking with him at the Zoning Board meeting the following Tuesday night. Selectman Bougher then inquired if the abutters are being notified. Selectman Cook said they were.

Chairman McDonald brought up the subject of the Administrative Coordinator applications. Board agreed to pull ads for the time being. Selectman Wallace stated the board should review the current applications over the next two weeks. Board members agreed.

6. NONPUBLIC SESSION

Chairman McDonald made a motion that the Board of Selectmen enter into Nonpublic Session at 8:30 p.m. pursuant to RSA 91-A:3 II (c) to discuss personnel issues. Seconded by Selectman Bougher. A roll call vote was taken. Selectman Bougher – yes; Selectman Reynolds – yes; Chairman McDonald – yes; Selectman Wallace – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Chairman McDonald, Selectman Cook, Selectman Bougher, Selectman Reynolds, Selectman Wallace.

Chairman McDonald moved that the Board of Selectman come out of Nonpublic Session at 8:55 p.m. pursuant to the authority granted in RSA 91-A-3 II (a). Seconded by Selectman Bougher. A roll call was taken. Selectman Bougher – yes; Selectman Reynolds – yes; Chairman McDonald – yes; Selectman Wallace – yes; Selectman Cook – yes. Motion passed unanimously.

Manifests - Chairman McDonald made motion to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated February 13, 2003 with accounts payable of \$223,895.34, and gross payroll of \$30,838.53, for a combined total of \$254,733.87, and one voided check in the amount of \$195.00. Seconded by Selectman Cook. Motion passed unanimously.

7. ADJOURNMENT

Chairman McDonald moved to adjourn at 9:00 p.m. Seconded by Selectman Bougher. A vote was taken. Motion passed unanimously.

A True Record

Kelly Bumpus, Recording Secretary